

Eric Amdursky (*pro hac vice pending*)  
Damali A. Taylor (*pro hac vice pending*)  
O'MELVENY & MYERS LLP  
2765 Sand Hill Road  
Menlo Park, CA 94025-7019  
Telephone: (650) 473-2600  
eamdursky@omm.com  
dtaylor@omm.com

Leah S. Freed, SBN 021332  
OGLETREE, DEAKINS, NASH  
SMOAK & STEWART, P.C.  
Esplanade Center III, Suite 800  
2415 East Camelback Road  
Phoenix, AZ 85016  
Telephone: (602) 778-3700  
Facsimile: (602) 778-3750  
Leah.freed@ogletree.com

Attorneys for Defendants  
Sports & Entertainment Services, L.L.C.  
and Suns Legacy Partners, L.L.C.

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

Gene Traylor,  
  
Plaintiff,  
  
v.  
  
Sports & Entertainment Services, L.L.C. and  
Suns Legacy Partners, L.L.C.,  
  
Defendants.

Case No. 25-cv-01629-PHX-SPL  
  
**SPORTS & ENTERTAINMENT  
SERVICES, L.L.C.'S AND SUNS  
LEGACY PARTNERS, L.L.C.'S  
ANSWER AND AFFIRMATIVE  
DEFENSES TO PLAINTIFF'S  
COMPLAINT**

Sports & Entertainment Services, L.L.C. ("SES") and Suns Legacy Partners, L.L.C.  
("SLP" and together with SES, the "Defendants"), by and through the undersigned counsel,  
hereby answer Plaintiff Gene Traylor's ("Plaintiff") Complaint (Doc. 1) (the "Complaint").

1 Except as expressly admitted below, Defendants deny each and every allegation  
2 asserted against them in the Complaint and further deny any liability to Plaintiff.  
3 Defendants have not yet concluded their investigation in this matter. Nor have the parties  
4 completed discovery. Accordingly, Defendants reserve the right to amend, modify, or  
5 supplement this Answer, and to plead or assert additional defenses—the existence of which  
6 are not presently known to Defendants and which may be revealed through clarification of  
7 the Complaint, further analysis of Plaintiff’s claims, or other proceedings in this litigation.

8 Furthermore, Plaintiff’s Complaint contains allegations which are false, harassing,  
9 redundant, immaterial, impertinent, and/or scandalous. Under Rule 12(f)(1) of the Federal  
10 Rules of Civil Procedure, the Court may, *sua sponte*, strike such allegations from the  
11 Complaint. Fed. R. Civ. P. 12(f)(1). Defendants also reserve the right to seek appropriate  
12 sanctions and relief from the Court regarding such allegations, including under Rule 11 of  
13 the Federal Rules of Civil Procedure. Fed. R. Civ. P. 11(c).

14 1. To the extent that the allegations in Paragraph 1 of the Complaint consist of  
15 argument, state conclusions of law, and/or constitute a characterization of the case, no  
16 response is required. To the extent a response is required, Defendants deny the allegations  
17 in Paragraph 1, except admit that this case involves purported claims under Section 1981,  
18 Title VII, the Family Medical Leave Act, and the Americans with Disabilities Act.

19 2. To the extent that the allegations in Paragraph 2 of the Complaint consist of  
20 argument, state conclusions of law, and/or constitute a characterization of the case, no  
21 response is required. To the extent a response is required, Defendants deny the allegations  
22 in Paragraph 2.

23 3. To the extent that the allegations in Paragraph 3 of the Complaint consist of  
24 argument, state conclusions of law, and/or constitute a characterization of the case, no  
25 response is required. To the extent a response is required, Defendants deny the allegations  
26 in Paragraph 3.

5. To the extent that the allegations in Paragraph 5 of the Complaint consist of argument, state conclusions of law, and/or constitute a characterization of the case, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 5, except admit that SES is an Arizona limited liability company, SLP is a Delaware limited liability company, and Defendants conduct business in Maricopa County, Arizona.

7. To the extent that the allegations in Paragraph 7 of the Complaint consist of argument, state conclusions of law, constitute a characterization of the case, and/or pertain to parties other than Defendants, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 7, and specifically deny that Plaintiff is entitled to the relief requested.

8. To the extent that the allegations in Paragraph 8 of the Complaint consist of argument, state conclusions of law, constitute a characterization of the case, and/or pertain to parties other than Defendants, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 8, except admit that Defendants received notice that Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”) before filing the Complaint.

1           9.     To the extent that the allegations in Paragraph 9 of the Complaint consist of  
2 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
3 to parties other than Defendants, no response is required. To the extent a response is  
4 required, Defendants deny the allegations in Paragraph 9.

5           10.    To the extent that the allegations in Paragraph 10 of the Complaint consist of  
6 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
7 to parties other than Defendants, no response is required. To the extent a response is  
8 required, Defendants deny the allegations in Paragraph 10.

9           11.    To the extent that the allegations in Paragraph 11 of the Complaint consist of  
10 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
11 to parties other than Defendants, no response is required. To the extent a response is  
12 required, Defendants deny the allegations in Paragraph 11.

13           12.    To the extent that the allegations in Paragraph 12 of the Complaint consist of  
14 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
15 to parties other than Defendants, no response is required. To the extent a response is  
16 required, Defendants deny for lack of information or knowledge the allegations in  
17 Paragraph 12.

18           13.    To the extent that the allegations in Paragraph 13 of the Complaint consist of  
19 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
20 to parties other than Defendants, no response is required. To the extent a response is  
21 required, Defendants deny the allegations in Paragraph 13, except admit that, on January  
22 23, 2023, Plaintiff began employment with SES as the Director of Safety, reporting to  
23 Vanessa Ward, Vice President of Event Services.

24           14.    To the extent that the allegations in Paragraph 14 of the Complaint consist of  
25 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
26

1 to parties other than Defendants, no response is required. To the extent a response is  
2 required, Defendants deny the allegations in Paragraph 14.

3 15. To the extent that the allegations in Paragraph 15 of the Complaint consist of  
4 argument and/or pertain to parties other than Defendants, no response is required. To the  
5 extent a response is required, Defendants deny the allegations in Paragraph 15.

6 16. To the extent that the allegations in Paragraph 16 of the Complaint consist of  
7 argument and/or pertain to parties other than Defendants, no response is required. To the  
8 extent a response is required, Defendants deny the allegations in Paragraph 16.

9 17. To the extent that the allegations in Paragraph 17 of the Complaint consist of  
10 argument, constitute a characterization of the case, and/or pertain to parties other than  
11 Defendants, no response is required. To the extent a response is required, Defendants deny  
12 the allegations in Paragraph 17.

13 18. To the extent that the allegations in Paragraph 18 of the Complaint consist of  
14 argument and/or pertain to parties other than Defendants, no response is required. To the  
15 extent a response is required, Defendants deny the allegations in Paragraph 18.

16 19. To the extent that the allegations in Paragraph 19 of the Complaint consist of  
17 argument and/or pertain to parties other than Defendants, no response is required. To the  
18 extent a response is required, Defendants deny the allegations in Paragraph 19, and  
19 specifically deny for lack of information or knowledge the allegations regarding what  
20 “Plaintiff reasonably believed.”

21 20. To the extent that the allegations in Paragraph 20 of the Complaint consist of  
22 argument and/or pertain to parties other than Defendants, no response is required. To the  
23 extent a response is required, Defendants deny the allegations in Paragraph 20.

24 21. To the extent that the allegations in Paragraph 21 of the Complaint consist of  
25 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
26

1 to parties other than Defendants, no response is required. To the extent a response is  
2 required, Defendants deny the allegations in Paragraph 21.

3 22. To the extent that the allegations in Paragraph 22 of the Complaint consist of  
4 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
5 to parties other than Defendants, no response is required. To the extent a response is  
6 required, Defendants deny the allegations in Paragraph 22, except admit that Plaintiff met  
7 with Josh Bartelstein and Kim Corbitt in or around 2023.

8 23. To the extent that the allegations in Paragraph 22 of the Complaint consist of  
9 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
10 to parties other than Defendants, no response is required. To the extent a response is  
11 required, Defendants deny the allegations in Paragraph 22.

12 24. To the extent that the allegations in Paragraph 24 of the Complaint consist of  
13 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
14 to parties other than Defendants, no response is required. To the extent a response is  
15 required, Defendants deny the allegations in Paragraph 24.

16 25. To the extent that the allegations in Paragraph 25 of the Complaint consist of  
17 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
18 to parties other than Defendants, no response is required. To the extent a response is  
19 required, Defendants deny the allegations in Paragraph 25.

20 26. To the extent that the allegations in Paragraph 26 of the Complaint consist of  
21 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
22 to parties other than Defendants, no response is required. To the extent a response is  
23 required, Defendants deny the allegations in Paragraph 26, except admit that the Phoenix  
24 Suns and Phoenix Mercury have long supported the non-profit organization, Native  
25 American Basketball Invitational.

1           27. To the extent that the allegations in Paragraph 27 of the Complaint consist of  
2 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
3 to parties other than Defendants, no response is required. To the extent a response is  
4 required, Defendants deny the allegations in Paragraph 27, except admit that, at all times  
5 relevant to this litigation, it was publicly reported and widely known that Ralph Marchetta  
6 and GinaMarie Scarpa were married.

7           28. To the extent that the allegations in Paragraph 28 of the Complaint consist of  
8 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
9 to parties other than Defendants, no response is required. To the extent a response is  
10 required, Defendants deny the allegations in Paragraph 28.

11           29. To the extent that the allegations in Paragraph 29 of the Complaint consist of  
12 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
13 to parties other than Defendants, no response is required. To the extent a response is  
14 required, Defendants deny the allegations in Paragraph 29.

15           30. To the extent that the allegations in Paragraph 30 of the Complaint consist of  
16 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
17 to parties other than Defendants, no response is required. To the extent a response is  
18 required, Defendants deny the allegations in Paragraph 30.

19           31. To the extent that the allegations in Paragraph 31 of the Complaint consist of  
20 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
21 to parties other than Defendants, no response is required. To the extent a response is  
22 required, Defendants deny the allegations in Paragraph 31, except admit that Plaintiff spoke  
23 to Josh Bartelstein on or around October 1, 2024.

24           32. To the extent that the allegations in Paragraph 32 of the Complaint consist of  
25 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
26 to parties other than Defendants, no response is required. To the extent a response is  
27

1 required, Defendants deny the allegations in Paragraph 32, except admit that Plaintiff spoke  
2 to Josh Bartelstein on or around October 1, 2024.

3 33. To the extent that the allegations in Paragraph 33 of the Complaint consist of  
4 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
5 to parties other than Defendants, no response is required. To the extent a response is  
6 required, Defendants deny the allegations in Paragraph 33.

7 34. To the extent that the allegations in Paragraph 34 of the Complaint consist of  
8 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
9 to parties other than Defendants, no response is required. To the extent a response is  
10 required, Defendants deny the allegations in Paragraph 34, except admit that Plaintiff met  
11 with Josh Bartelstein on or around October 10, 2024 and expressed his opinion of Cornelius  
12 Craig.

13 35. To the extent that the allegations in Paragraph 35 of the Complaint consist of  
14 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
15 to parties other than Defendants, no response is required. To the extent a response is  
16 required, Defendants deny the allegations in Paragraph 35, except admit that Plaintiff met  
17 with Josh Bartelstein on or around October 10, 2024 and expressed his opinion of Cornelius  
18 Craig.

19 36. To the extent that the allegations in Paragraph 36 of the Complaint consist of  
20 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
21 to parties other than Defendants, no response is required. To the extent a response is  
22 required, Defendants deny the allegations in Paragraph 36.

23 37. To the extent that the allegations in Paragraph 37 of the Complaint consist of  
24 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
25 to parties other than Defendants, no response is required. To the extent a response is  
26 required, Defendants deny the allegations in Paragraph 37.



1           38. To the extent that the allegations in Paragraph 38 of the Complaint consist of  
2 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
3 to parties other than Defendants, no response is required. To the extent a response is  
4 required, Defendants deny the allegations in Paragraph 38.

5           39. To the extent that the allegations in Paragraph 39 of the Complaint consist of  
6 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
7 to parties other than Defendants, no response is required. To the extent a response is  
8 required, Defendants deny the allegations in Paragraph 39.

9           40. To the extent that the allegations in Paragraph 40 of the Complaint consist of  
10 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
11 to parties other than Defendants, no response is required. To the extent a response is  
12 required, Defendants deny the allegations in Paragraph 40.

13           41. To the extent that the allegations in Paragraph 41 of the Complaint consist of  
14 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
15 to parties other than Defendants, no response is required. To the extent a response is  
16 required, Defendants deny the allegations in Paragraph 41.

17           42. To the extent that the allegations in Paragraph 42 of the Complaint consist of  
18 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
19 to parties other than Defendants, no response is required. To the extent a response is  
20 required, Defendants deny the allegations in Paragraph 42, except admit that Plaintiff  
21 underwent a performance review in or around February 2024 (the “February 2024  
22 Review”).

23           43. To the extent that the allegations in Paragraph 43 of the Complaint consist of  
24 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
25 to parties other than Defendants, no response is required. To the extent a response is  
26

1 required, Defendants deny the allegations in Paragraph 43, except admit that Plaintiff had  
2 significant job-performance issues that were reflected in his February 2024 Review.

3 44. To the extent that the allegations in Paragraph 44 of the Complaint consist of  
4 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
5 to parties other than Defendants, no response is required. To the extent a response is  
6 required, Defendants deny the allegations in Paragraph 44.

7 45. Defendants object to Paragraph 45 of the Complaint because Defendants  
8 reasonably believe, and on that basis allege, that Plaintiff and/or counsel improperly  
9 disclosed confidential information relating to arena security. Further, to the extent that the  
10 allegations in Paragraph 45 of the Complaint consist of argument, state conclusions of law,  
11 constitute a characterization of the case, and/or pertain to parties other than Defendants, no  
12 response is required. Without waiving any of their objections or rights, and to the extent a  
13 response is required, Defendants deny the allegations in Paragraph 45, except admit that a  
14 security field test was performed in December 2023.

15 46. Defendants object to Paragraph 46 of the Complaint because Defendants  
16 reasonably believe, and on that basis allege, that Plaintiff and/or counsel improperly  
17 disclosed confidential information relating to arena security. Further, to the extent that the  
18 allegations in Paragraph 46 of the Complaint consist of argument, state conclusions of law,  
19 constitute a characterization of the case, and/or pertain to parties other than Defendants, no  
20 response is required. Without waiving any of their objections or rights, and to the extent a  
21 response is required, Defendants deny the allegations in Paragraph 46, except admit that a  
22 security field test was performed in December 2023.

23 47. To the extent that the allegations in Paragraph 47 of the Complaint consist of  
24 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
25 to parties other than Defendants, no response is required. To the extent a response is  
26 required, Defendants deny the allegations in Paragraph 47.

1           48. Defendants object to Paragraph 48 of the Complaint because Defendants  
2 reasonably believe, and on that basis allege, that Plaintiff and/or counsel improperly  
3 disclosed confidential information relating to arena security. Further, to the extent that the  
4 allegations in Paragraph 48 of the Complaint consist of argument, state conclusions of law,  
5 constitute a characterization of the case, and/or pertain to parties other than Defendants, no  
6 response is required. Without waiving any of their objections or rights, and to the extent a  
7 response is required, Defendants deny the allegations in Paragraph 48, except admit that a  
8 security field test was performed in February 2025.

9           49. To the extent that the allegations in Paragraph 49 of the Complaint consist of  
10 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
11 to parties other than Defendants, no response is required. To the extent a response is  
12 required, Defendants deny the allegations in Paragraph 49, except admit that Vanessa Ward  
13 is Vice President of Event Services, Kim Corbitt is Executive Vice President, Chief  
14 Operations Officer, and Cornelius Craig is Vice President of Security & Risk Management.

15           50. To the extent that the allegations in Paragraph 50 of the Complaint consist of  
16 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
17 to parties other than Defendants, no response is required. To the extent a response is  
18 required, Defendants deny the allegations in Paragraph 50.

19           51. To the extent that the allegations in Paragraph 51 of the Complaint consist of  
20 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
21 to parties other than Defendants, no response is required. To the extent a response is  
22 required, Defendants deny the allegations in Paragraph 51.

23           52. To the extent that the allegations in Paragraph 52 of the Complaint consist of  
24 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
25 to parties other than Defendants, no response is required. To the extent a response is  
26 required, Defendants deny the allegations in Paragraph 52.



1           59. To the extent that the allegations in Paragraph 59 of the Complaint consist of  
2 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
3 to parties other than Defendants, no response is required. To the extent a response is  
4 required, Defendants deny the allegations in Paragraph 59, except admit that Vanessa Ward  
5 expressed dissatisfaction with Plaintiff's job performance.

6           60. To the extent that the allegations in Paragraph 60 of the Complaint consist of  
7 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
8 to parties other than Defendants, no response is required. To the extent a response is  
9 required, Defendants deny the allegations in Paragraph 60.

10          61. To the extent that the allegations in Paragraph 61 of the Complaint consist of  
11 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
12 to parties other than Defendants, no response is required. To the extent a response is  
13 required, Defendants deny the allegations in Paragraph 61, except admit that Plaintiff spoke  
14 to Josh Bartelstein and expressed his opinion of Cornelius Craig.

15          62. To the extent that the allegations in Paragraph 62 of the Complaint consist of  
16 argument and/or pertain to parties other than Defendants, no response is required. To the  
17 extent a response is required, Defendants deny the allegations in Paragraph 62.

18          63. To the extent that the allegations in Paragraph 63 of the Complaint consist of  
19 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
20 to parties other than Defendants, no response is required. To the extent a response is  
21 required, Defendants deny the allegations in Paragraph 63.

22          64. To the extent that the allegations in Paragraph 64 of the Complaint consist of  
23 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
24 to parties other than Defendants, no response is required. To the extent a response is  
25 required, Defendants deny the allegations in Paragraph 64.

66. To the extent that the allegations in Paragraph 66 of the Complaint consist of argument, state conclusions of law, constitute a characterization of the case, and/or pertain to parties other than Defendants, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 66.

68. To the extent that the allegations in Paragraph 68 of the Complaint consist of argument, state conclusions of law, constitute a characterization of the case, and/or pertain to parties other than Defendants, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 68.

69. To the extent that the allegations in Paragraph 69 of the Complaint consist of argument, state conclusions of law, constitute a characterization of the case, and/or pertain to parties other than Defendants, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 69, except admit that Kim Corbitt is Black, is Executive Vice President, Chief Operations Officer, and played a role in the decision to hire Cornelius Craig.

70. To the extent that the allegations in Paragraph 70 of the Complaint consist of argument, state conclusions of law, constitute a characterization of the case, and/or pertain to parties other than Defendants, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 70.

1           71. To the extent that the allegations in Paragraph 71 of the Complaint consist of  
2 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
3 to parties other than Defendants, no response is required. To the extent a response is  
4 required, Defendants deny the allegations in Paragraph 71, except admit that Vanessa Ward  
5 is Vice President of Event Services and Kim Corbitt is Executive Vice President, Chief  
6 Operations Officer.

7           72. To the extent that the allegations in Paragraph 72 of the Complaint consist of  
8 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
9 to parties other than Defendants, no response is required. To the extent a response is  
10 required, Defendants deny the allegations in Paragraph 72.

11           73. To the extent that the allegations in Paragraph 73 of the Complaint consist of  
12 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
13 to parties other than Defendants, no response is required. To the extent a response is  
14 required, Defendants deny the allegations in Paragraph 73.

15           74. To the extent that the allegations in Paragraph 74 of the Complaint consist of  
16 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
17 to parties other than Defendants, no response is required. To the extent a response is  
18 required, Defendants deny the allegations in Paragraph 74.

19           75. To the extent that the allegations in Paragraph 75 of the Complaint consist of  
20 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
21 to parties other than Defendants, no response is required. To the extent a response is  
22 required, Defendants deny the allegations in Paragraph 75.

23           76. To the extent that the allegations in Paragraph 76 of the Complaint consist of  
24 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
25 to parties other than Defendants, no response is required. To the extent a response is  
26 required, Defendants deny the allegations in Paragraph 76.







1           89. Defendants respond to Paragraph 89 of the Complaint by restating and  
2 reincorporating by reference their responses to each and every allegation in Paragraphs 1  
3 through 88 as if fully set forth herein.

4           90. To the extent that the allegations in Paragraph 90 of the Complaint consist of  
5 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
6 to parties other than Defendants, no response is required. To the extent a response is  
7 required, Defendants deny the allegations in Paragraph 90.

8           91. To the extent that the allegations in Paragraph 91 of the Complaint consist of  
9 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
10 to parties other than Defendants, no response is required. To the extent a response is  
11 required, Defendants deny the allegations in Paragraph 91, except admit that Plaintiff has  
12 indicated that he is a Black male and has been employed by SES since January 23, 2023.

13           92. To the extent that the allegations in Paragraph 92 of the Complaint consist of  
14 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
15 to parties other than Defendants, no response is required. To the extent a response is  
16 required, Defendants deny the allegations in Paragraph 92, except admit that, on January  
17 23, 2023, Plaintiff began employment with SES as the Director of Safety.

18           93. To the extent that the allegations in Paragraph 93 of the Complaint consist of  
19 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
20 to parties other than Defendants, no response is required. To the extent a response is  
21 required, Defendants deny the allegations in Paragraph 93.

22           94. To the extent that the allegations in Paragraph 94 of the Complaint consist of  
23 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
24 to parties other than Defendants, no response is required. To the extent a response is  
25 required, Defendants deny the allegations in Paragraph 94.

1           95. To the extent that the allegations in Paragraph 95 of the Complaint consist of  
2 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
3 to parties other than Defendants, no response is required. To the extent a response is  
4 required, Defendants deny the allegations in Paragraph 95.

5           96. To the extent that the allegations in Paragraph 96 of the Complaint consist of  
6 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
7 to parties other than Defendants, no response is required. To the extent a response is  
8 required, Defendants deny the allegations in Paragraph 96, except admit that Cornelius  
9 Craig is a Black male.

10          97. To the extent that the allegations in Paragraph 97 of the Complaint consist of  
11 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
12 to parties other than Defendants, no response is required. To the extent a response is  
13 required, Defendants deny the allegations in Paragraph 97.

14          98. To the extent that the allegations in Paragraph 98 of the Complaint consist of  
15 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
16 to parties other than Defendants, no response is required. To the extent a response is  
17 required, Defendants deny the allegations in Paragraph 98.

18          99. To the extent that the allegations in Paragraph 99 of the Complaint consist of  
19 argument, state conclusions of law, constitute a characterization of the case, and/or pertain  
20 to parties other than Defendants, no response is required. To the extent a response is  
21 required, Defendants deny the allegations in Paragraph 99.

22          100. To the extent that the allegations in Paragraph 100 of the Complaint consist  
23 of argument, state conclusions of law, constitute a characterization of the case, and/or  
24 pertain to parties other than Defendants, no response is required. To the extent a response  
25 is required, Defendants deny the allegations in Paragraph 100, and specifically deny that  
26 Plaintiff suffered any of the purported harm or damages alleged in Paragraph 100.



1 is required, Defendants deny the allegations in Paragraph 106, and specifically deny for  
2 lack of information or knowledge the allegations regarding Plaintiff's diagnosis, treatment,  
3 and mental health challenges.

4 107. To the extent that the allegations in Paragraph 107 of the Complaint consist  
5 of argument, state conclusions of law, constitute a characterization of the case, and/or  
6 pertain to parties other than Defendants, no response is required. To the extent a response  
7 is required, Defendants deny the allegations in Paragraph 107.

8 108. To the extent that the allegations in Paragraph 108 of the Complaint consist  
9 of argument, state conclusions of law, constitute a characterization of the case, and/or  
10 pertain to parties other than Defendants, no response is required. To the extent a response  
11 is required, Defendants deny the allegations in Paragraph 108.

12 109. To the extent that the allegations in Paragraph 109 of the Complaint consist  
13 of argument, state conclusions of law, constitute a characterization of the case, and/or  
14 pertain to parties other than Defendants, no response is required. To the extent a response  
15 is required, Defendants deny the allegations in Paragraph 109.

16 110. Defendants respond to Paragraph 110 of the Complaint by restating and  
17 reincorporating by reference their responses to each and every allegation in Paragraphs 1  
18 through 109 as if fully set forth herein.

19 111. To the extent that the allegations in Paragraph 111 of the Complaint consist  
20 of argument, state conclusions of law, constitute a characterization of the case, and/or  
21 pertain to parties other than Defendants, no response is required. To the extent a response  
22 is required, Defendants deny the allegations in Paragraph 111.

23 112. To the extent that the allegations in Paragraph 112 of the Complaint consist  
24 of argument, state conclusions of law, constitute a characterization of the case, and/or  
25 pertain to parties other than Defendants, no response is required. To the extent a response  
26 is required, Defendants deny the allegations in Paragraph 112, and specifically deny for

1 lack of information or knowledge the allegations regarding Plaintiff's diagnosis, treatment,  
2 and health challenges.

3 113. To the extent that the allegations in Paragraph 113 of the Complaint consist  
4 of argument, state conclusions of law, constitute a characterization of the case, and/or  
5 pertain to parties other than Defendants, no response is required. To the extent a response  
6 is required, Defendants deny the allegations in Paragraph 113, and specifically deny for  
7 lack of information or knowledge the allegations regarding Plaintiff's diagnosis, treatment,  
8 and mental health challenges.

9 114. To the extent that the allegations in Paragraph 114 of the Complaint consist  
10 of argument, state conclusions of law, constitute a characterization of the case, and/or  
11 pertain to parties other than Defendants, no response is required. To the extent a response  
12 is required, Defendants deny the allegations in Paragraph 114.

13 115. To the extent that the allegations in Paragraph 115 of the Complaint consist  
14 of argument, state conclusions of law, constitute a characterization of the case, and/or  
15 pertain to parties other than Defendants, no response is required. To the extent a response  
16 is required, Defendants deny the allegations in Paragraph 115.

17 116. To the extent that the allegations in Paragraph 116 of the Complaint consist  
18 of argument, state conclusions of law, constitute a characterization of the case, and/or  
19 pertain to parties other than Defendants, no response is required. To the extent a response  
20 is required, Defendants deny the allegations in Paragraph 116.

21 117. Defendants respond to Paragraph 117 of the Complaint by restating and  
22 reincorporating by reference their responses to each and every allegation in Paragraphs 1  
23 through 116 as if fully set forth herein.

24 118. To the extent that the allegations in Paragraph 118 of the Complaint consist  
25 of argument, state conclusions of law, constitute a characterization of the case, and/or  
26 pertain to parties other than Defendants, no response is required. To the extent a response

1 is required, Defendants deny the allegations in Paragraph 118, except admit that  
2 Defendants are aware that Plaintiff filed charges of discrimination with the EEOC and  
3 ACRD.

4 119. To the extent that the allegations in Paragraph 119 of the Complaint consist  
5 of argument, state conclusions of law, constitute a characterization of the case, and/or  
6 pertain to parties other than Defendants, no response is required. To the extent a response  
7 is required, Defendants deny the allegations in Paragraph 119.

8 120. To the extent that the allegations in Paragraph 120 of the Complaint consist  
9 of argument, state conclusions of law, constitute a characterization of the case, and/or  
10 pertain to parties other than Defendants, no response is required. To the extent a response  
11 is required, Defendants deny the allegations in Paragraph 120.

12 121. To the extent that the allegations in Paragraph 121 of the Complaint consist  
13 of argument, state conclusions of law, constitute a characterization of the case, and/or  
14 pertain to parties other than Defendants, no response is required. To the extent a response  
15 is required, Defendants deny the allegations in Paragraph 121, and specifically deny that  
16 Plaintiff is entitled to the relief requested.

17 122. Defendants respond to Paragraph 122 of the Complaint by restating and  
18 reincorporating by reference their responses to each and every allegation in Paragraphs 1  
19 through 121 as if fully set forth herein.

20 123. To the extent that the allegations in Paragraph 123 of the Complaint consist  
21 of argument, state conclusions of law, constitute a characterization of the case, and/or  
22 pertain to parties other than Defendants, no response is required. To the extent a response  
23 is required, Defendants deny the allegations in Paragraph 123.

24 124. To the extent that the allegations in Paragraph 124 of the Complaint consist  
25 of argument, state conclusions of law, constitute a characterization of the case, and/or  
26 pertain to parties other than Defendants, no response is required. To the extent a response

1 is required, Defendants deny the allegations in Paragraph 124, and specifically deny that  
2 Plaintiff suffered any of the purported harm or damages alleged in Paragraph 124.

3 125. Defendants respond to Paragraph 125 of the Complaint by restating and  
4 reincorporating by reference their responses to each and every allegation in Paragraphs 1  
5 through 124 as if fully set forth herein.

6 126. To the extent that the allegations in Paragraph 126 of the Complaint consist  
7 of argument, state conclusions of law, constitute a characterization of the case, and/or  
8 pertain to parties other than Defendants, no response is required. To the extent a response  
9 is required, Defendants deny the allegations in Paragraph 126.

10 127. To the extent that the allegations in Paragraph 127 of the Complaint consist  
11 of argument, state conclusions of law, constitute a characterization of the case, and/or  
12 pertain to parties other than Defendants, no response is required. To the extent a response  
13 is required, Defendants deny the allegations in Paragraph 127, and specifically deny that  
14 Plaintiff suffered any of the purported harm or damages alleged in Paragraph 127.

15 128. Defendants respond to Paragraph 128 of the Complaint by restating and  
16 reincorporating by reference their responses to each and every allegation in Paragraphs 1  
17 through 127 as if fully set forth herein.

18 129. To the extent that the allegations in Paragraph 129 of the Complaint consist  
19 of argument, state conclusions of law, constitute a characterization of the case, and/or  
20 pertain to parties other than Defendants, no response is required. To the extent a response  
21 is required, Defendants deny the allegations in Paragraph 129.

22 130. To the extent that the allegations in Paragraph 130 of the Complaint consist  
23 of argument, state conclusions of law, constitute a characterization of the case, and/or  
24 pertain to parties other than Defendants, no response is required. To the extent a response  
25 is required, Defendants deny the allegations in Paragraph 130.





**THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, on the grounds that Plaintiff has sustained no injury or damages.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, on the grounds that Plaintiff has failed to mitigate damages, if any.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff's claims for damages for alleged physical, emotional, psychological or mental distress are barred, in whole or in part, because Plaintiff had a duty to mitigate any such damages by seeking physical, medical, psychological and/or psychiatric treatment and failed to do so.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiff's claims for equitable relief are barred, in whole or in part, by the defense of unclean hands.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims for punitive or exemplary damages are barred, in whole or in part, on the grounds that they do not state facts sufficient to enable Plaintiff to recover punitive or exemplary damages.

**EIGHTH AFFIRMATIVE DEFENSE**

If Defendants' employees or agents, or any of them, committed the acts alleged in the Complaint, although that is not admitted and is expressly denied, those acts were committed outside the scope of their employment and not by or as agents of Defendants, and thus Defendants are not liable for those acts.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, for failure to exhaust any required administrative remedies.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, under the applicable statute of limitations.

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, by the doctrine of laches.

**TWELFTH AFFIRMATIVE DEFENSE**

Plaintiff's claims barred by Plaintiff's own unclean hands and/or by estoppel to the extent Plaintiff consented to and/or actively participated in the conduct which he now alleges give rise to his claims.

**THIRTEENTH AFFIRMATIVE DEFENSE**

**(RESERVATION OF RIGHTS)**

Defendants believe that they may have additional defenses, which are not presently known to Defendants and which may be revealed through clarification of the Complaint, further analysis of Plaintiff's claims, or other proceedings in this litigation. Defendants reserve the right to amend, modify, or supplement this Answer to add and assert any additional defenses when they are ascertained.

**WHEREFORE**, Defendants respectfully request that the Court grant the following relief:

- A. That Plaintiff's Complaint and each cause of action be dismissed with prejudice;
- B. That Plaintiff's requests for damages, fees, costs, and other relief be denied in their entirety and that Plaintiff takes nothing by way of the Complaint;
- C. That Defendants be awarded their costs, disbursements, and attorneys' fees incurred in this case;
- D. That judgment be entered in Defendants' favor; and
- E. That the Court order such other and further relief for Defendants as the Court deems just and proper.

1 DATED this 9th day of June, 2025

2 **O'MELVENY & MYERS LLP**

3 By: /s/ Eric Amdursky  
4 Eric Amdursky (*pro hac vice pending*)  
5 Damali A. Taylor (*pro hac vice pending*)  
6 2765 Sand Hill Road  
7 Menlo Park, CA 94025-7019  
8 Telephone: (650) 473-2600  
9 eamdursky@omm.com  
10 dtaylor@omm.com

11 **OGLETREE, DEAKINS, NASH**  
12 **SMOAK & STEWART, P.C.**

13 Leah S. Freed, SBN 021332  
14 Esplanade Center III, Suite 800  
15 2415 East Camelback Road  
16 Phoenix, AZ 85016  
17 Telephone: (602) 778-3700  
18 Facsimile: (602) 778-3750  
19 Leah.freed@ogletree.com

20 *Attorneys for Defendants*  
21 *Sports & Entertainment Services, L.L.C.*  
22 *and Suns Legacy Partners, L.L.C.*